

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case Number: _____

LORNA ALEXANDER,

Plaintiff,

vs.

MARRIOTT INTERNATIONAL, INC.,
a foreign corporation, MARRIOTT
SENIOR LIVING SERVICES, INC., a
foreign corporation,

Defendants.

01-7732

CIV-HIGHSMITH

MAGISTRATE JUDGE
GARBER

COMPLAINT FOR DAMAGES AND OTHER RELIEF

Plaintiff, Lorna Alexander, sues defendants, Marriott International, Inc.
and Marriott Senior Living Services, Inc., and alleges:

Introduction

1. This is a race discrimination suit brought by Lorna Alexander, who was employed as Director of Health Services at Tiffany House, a licensed assisted living facility operated in Ft. Lauderdale, Florida, by Marriott Senior Living Services, Inc. a division of Marriott International, Inc. (referred to collectively as "Marriott") Alexander contends that, **One**, she was terminated from her position after it was eliminated and not reassigned elsewhere because

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Amlong, P.A.

of her race even though her then-supervisor assured her that she would be reassigned within the Marriott organization; and, **Two**, Marriott failed to hire her because of her race for approximately eleven positions within the Marriott organization for which she applied after learning that her position would be eliminated and for which she was qualified. Alexander seeks damages, including punitive damages, injunctive relief, attorneys' fees and litigation expenses pursuant to 42 U.S.C. §§ 1981 and 1988, Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. 2000e, et seq., and the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes.

Jurisdiction and Venue

2. This action arises under 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. § 2000e, et seq. Jurisdiction is founded on 42 U.S.C. § 1988, 28 U.S.C. §§ 1331 and 1343(a)(4), and 42 U.S.C. §§ 1988 and 2000e-5(f)(3). The court has jurisdiction to grant declaratory and further relief pursuant to 28 U.S.C. §§ 2201 and 2202. The Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 to hear state law claim.

3. Venue is proper in the Fort Lauderdale Division of the Southern District of Florida pursuant to 28 U.S.C. §§ 1391(b)(2), 42 U.S.C. § 2000e-5(f)(3) and Local Rules for the Southern District of Florida 3.1 and 3.4, because the claim arose there and because Alexander, at all times material, performed her job functions as Director of Health Services at Tiffany House in Fort Lauderdale, Florida.

Parties

4. Plaintiff, Lorna Alexander ("Alexander"), at all times material, was Director of Health Services at Tiffany House for Marriott Senior Living Services, Inc. a division of Marriott International, Inc. until her termination on or about August 10, 1999. Alexander is protected by 42 U.S.C. § 1981, Title VII and the Florida Civil Rights Act of 1992 because of her race, i.e., black.

5. Defendant, Marriott Senior Living Services, Inc., a Maryland corporation, is a division of Marriott International, Inc., a Maryland corporation. Marriott International, Inc. issued checks to pay Alexander's salary and set policies that governed Alexander's employment. Each corporation does business in the State of Florida, in an industry affecting commerce, and is an "employer" as envisioned by 42 U.S.C. § 2000e(b) and § 760.02(7), Fla. Stat. (1997).

Compliance with Procedural Requirements

6. On or about February 10, 2000, Alexander filed Charges of Discrimination with the EEOC and the FCHR which stated in relevant part:

I am a Black female registered nurse and from February 9, 1998 until August 9, 1999, when my position was eliminated, I was employed as the Director of Health Services at Tiffany House, a licensed assisted living facility operated in Fort Lauderdale, Florida by the Marriott Senior Living Services division of Marriott International, Inc. I was assured by my then-supervisor, Melinda Skerwin, that I would be reassigned elsewhere within the Marriott organization.

Statement of personal harm: Upon learning my position was being eliminated, I posted for at least eleven positions for which I was qualified in the Marriott system both in South Florida and nationwide, including a position as Assisted Living Manager at Tiffany House. I was not selected for any of the positions for which I applied. The Assisted Living Manager position at Tiffany House was filled by a white female LPN with no previous experience.

Employer's reasons: I was given various vague reasons for not being hired into any of the open positions. Some of the openings were rescinded after I applied. I was told I could not be hired for the Tiffany position unless I took a pay cut although my salary fell within the designated range. I never received a response concerning other positions.

Statement of discrimination: Having observed the Marriott staff at Tiffany House and at other Marriot facilities and functions which included employees from around that nation, I have noticed few Black managers. For example, there are over 400 assisted living managers in the US and less than 10% are Black, which is the reverse of the "on line" staff. I believe that Marriott systemically discriminates against Blacks, including myself, precluding us from management positions, in violation of my rights under Title VII of the Civil Rights Act of 1964, as amended, and the Florida Civil Rights Act of 1992, § 760.01, et seq.

Alexander adopts those allegations as part of this Complaint.

7. On August 14, 2001, the EEOC issued Alexander a Notice of Suit Rights. Alexander has filed suit within 90 days of her receipt of that Notice.

8. More than 180 days have passed without the FCHR either conciliating the Charge of Discrimination or making findings adverse to Alexander, the lapsing of which 180 days entitles Alexander to initiate a civil action.

General Allegations

9. On or about February 9, 1998, Marriott hired Alexander as Director of Health Services at Tiffany House.

10. Alexander was, at all times material, qualified for her position as Director of Health Services at Tiffany House, and was performing her job satisfactorily.

11. In early 1999, Alexander was informed that her position would be eliminated.

12. Although Alexander's supervisor assured Alexander that she would be reassigned elsewhere within the Marriott organization, Alexander was not.

13. Upon learning that her position would be eliminated, Alexander applied for approximately eleven positions for which she was qualified within the Marriott organization in South Florida and nationwide, including:

- a. Assisted Living Manager at Park Summitt;
- b. Director of Health Services at Deer Creek;
- c. Director of Health Admissions at Deer Creek;
- d. Director of Sales at Deer Creek;
- e. Assistant General Manager at Courtyard, Plantation;
- f. Director of Sales, Naples;
- g. Regional Director Health and Wellness (two positions);
- h. Director of Community Relations at Tiffany House;
- i. Assisted Living Manager at Tiffany House;
- j. Assisted Living Manager at Brighton Gardens; and
- k. Director of Nursing at Deer Creek.

14. Marriott, however, failed to hire Alexander for any of those positions, and instead either:

- a. did not respond to Alexander's application;
- b. gave the position to a less qualified non-black applicant;
- c. rescinded the position after Alexander applied;
- d. gave Alexander a vague reason for not hiring her for the

position; or

e. told Alexander that she was the preferred person for the position but could not offer her the position without a salary cut, although her salary fell within the designated salary range.

15. The treatment to which Marriott and its agents subjected Alexander was based upon her being black.

16. The actions of Marriott, affected Alexander in the "compensation, terms, conditions and privileges of employment."

17. As a direct result of the conduct of Marriott and its agents, Alexander has suffered injuries for which she is entitled to compensation, including but not limited to lost wages and benefits, future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

18. Alexander, by being discriminated against is suffering irreparable harm for which there is no plain, adequate or complete remedy at law.

19. The conduct of Marriott was willfully carried out by Marriott's agents acting in a managerial capacity with malice and/or reckless indifference and is devoid of any good-faith effort to comply with the mandates of federal law, thus entitling Alexander to an award of exemplary damages to punish and to deter Marriott and others from such conduct in the future.

20. Alexander is entitled to recover reasonable attorneys' fees and litigation expenses pursuant to 42 U.S.C. § 1988(b) and § 760.11(5), Florida Statutes.

21. Marriott, through the actions of its agents, interfered and continues to interfere with Alexander's right to make and enforce contracts, as envisioned by 42 U.S.C. § 1981.

Count I — Race Discrimination under 42 U.S.C. § 1981

22. Alexander realleges and adopts, as if fully set forth in this Count, all of the allegations of paragraphs 1, 2, 3, 4, 5, 6 and 9 through 21 above.

23. The acts more specifically alleged in paragraphs 1, 6 and 11 through 14, violate Alexander's rights under 42 U.S.C. § 1981 to make and enforce contracts without regard to race.

WHEREFORE, Alexander prays that this Court will:

- a. issue a declaratory judgment that Marriott's practices against Alexander violated Alexander's rights under 42 U.S.C. § 1981;
- b. enjoin Marriott from continuing to engage in such unlawful employment practices;
- c. enter a judgment for Alexander and against Marriott for damages, including punitive damages;
- d. grant Alexander such other and further relief as the circumstances and law require and/or provide, including but not limited to, back wages and benefits, seniority and prospective relief, including front pay; and
- e. grant Alexander her costs, litigation expenses and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988(b).

Count II — Race Discrimination under Title VII

24. Alexander realleges and adopts, as if fully set forth in this Count, all of the allegations in paragraphs 1 through 20 above.

25. The acts more specifically alleged in paragraphs 1, 6 and 11 through 14 above, constitute race discrimination, as proscribed by Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. § 2000e-2(a).

WHEREFORE, Alexander prays that this Court will:

a. issue a declaratory judgment that Marriott's practices against Alexander violated Alexander's rights under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. 2000e, et seq.;

b. enjoin Marriott from continuing to engage in such unlawful employment practices;

c. enter a judgment for Alexander and against Marriott for damages, including punitive damages;

d. grant Alexander such other and further relief as the circumstances and law require and/or provide, including but not limited to, back wages and benefits, seniority and prospective relief, including front pay; and

e. grant Alexander her costs, litigation expenses and reasonable attorneys' fees pursuant to 42 U.S.C. § 2000e-5(k).

Count III

Race Discrimination under the Florida Civil Rights Act of 1992

26. Alexander realleges and adopts, as if fully set forth in this Count, all of the allegations in paragraphs 1 through 20 above.

27. The acts more specifically alleged in paragraphs 1, 6 and 11 through 14 constitute race discrimination, as proscribed by the Florida Civil Rights Act, § 760.10(1)(a), Florida Statutes.

WHEREFORE, Alexander prays that this Court will:

- a. issue a declaratory judgment that Marriott's practices against Alexander violated Alexander's rights under Chapter 760, Florida Statutes;
- b. enjoin Marriott from continuing to engage in such unlawful employment practices;
- c. enter a judgment for Alexander and against Marriott for damages, including punitive damages;
- d. grant Alexander such other and further relief as the circumstances and law require and/or provide, including but not limited to, back wages and benefits, seniority and prospective relief, including front pay; and
- e. grant Alexander her costs, litigation expenses and reasonable attorneys' fees pursuant to § 760.11(5), Florida Statutes.

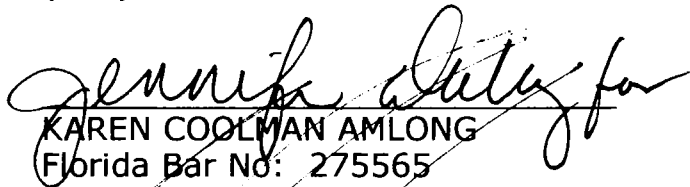
Demand for Jury Trial

Alexander demands trial by jury for all issues so triable.

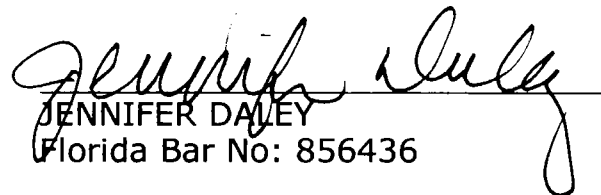
Dated: November 13, 2001

Respectfully Submitted,

Amlong & Amlong, P.A.
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JS 44
(Rev. 12/96)

CIVIL COVER SHEET

01-7732
CIV-HIGHSMITH

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

I. (a) PLAINTIFFS

LORNA ALEXANDER

DEFENDANTS

MARRIOTT INTERNATIONAL, INC, a foreign corporation, MARRIOTT, SENIOR LIVING SERVICES, INC., a foreign corporation, MAGISTRATE JUDGE

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT **GARBER**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

A Broward 0:01-cv-7732 SH/BLG
Karen Coolman Amlong, Esq. (954) 462-1983
500 N.E. 4th Street, Ft. Lauderdale, FL 33301

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, **BROWARD**, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions A OR B
A REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Empl. Ret. Inc. Security Act	B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)
42 U.S.C. §§ 1981 and 1988, Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. 2000e, et seq.

LENGTH OF TRIAL

via 5 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

November 13, 2001

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE